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EV794563761US

**TRANSMITTAL LETTER**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

ZP193/05002

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)  
10/552,094

INTERNATIONAL APPLICATION NO. PCT/US2004/010000	INTERNATIONAL FILING DATE (02.04.2004) 02 APRIL 2004	PRIORITY DATE CLAIMED (04.04.2003) 04 APRIL 2003
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**TITLE OF INVENTION**  
**ARTIFICIAL DISC PROSTHESIS**
**APPLICANT(S) FOR DO/EO/US**

NAVARRO, Ricahrd R.; ANANTHAN, Bharadwaj; THEKEN, Randall R.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete. Including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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20. Other items or information: <b>RETURN POSTCARD</b>																																							
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td>22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td></td> <td></td> <td></td> </tr> <tr> <td>If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td></td> <td></td> </tr> <tr> <td>All other situations.....</td> <td>\$200</td> <td></td> <td></td> </tr> <tr> <td>23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))</td> <td></td> <td></td> <td></td> </tr> <tr> <td>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....</td> <td>\$0</td> <td></td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....</td> <td>\$100</td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....</td> <td>\$400</td> <td></td> <td></td> </tr> <tr> <td>All other situations.....</td> <td>\$500</td> <td></td> <td></td> </tr> </table>				21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300	CALCULATIONS	PTO USE ONLY	22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))				If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0			All other situations.....	\$200			23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))				If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100			International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$400			All other situations.....	\$500		
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All other situations.....	\$500																																						
<b>TOTAL OF 21, 22 and 23 =</b>																																							
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																																				
- 100 =	/50 =		x \$250																																				
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).																																							
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE																																				
Total claims	- 20 =		x \$ 56																																				
Independent claims	- 3 =		x \$200																																				
MULTIPLE DEPENDENT CLAIM(S) (If applicable)			+ \$360																																				
<b>TOTAL OF ABOVE CALCULATIONS =</b>																																							
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.																																							
<b>SUBTOTAL =</b>																																							
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)). +																																							
<b>TOTAL NATIONAL FEE =</b> \$ 0																																							
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +																																							
<b>TOTAL FEES ENCLOSED =</b> \$ 0																																							
		Amount to be refunded:	\$																																				
		Amount to be charged	\$																																				

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.**

SEND ALL CORRESPONDENCE TO:

ROBERT H. EICHENBERGER  
MIDDLETON REUTLINGER  
2500 BROWN & WILLIAMSON TOWER  
LOUISVILLE, KENTUCKY 40202 USA

(CUSTOMER NUMBER 22884)



SIGNATURE

ROBERT H. EICHENBERGER

NAME

42,509

REGISTRATION NUMBER

EV794563761US

RULE 1.10 CERTIFICATE OF EXPRESS MAILING

I hereby certify that the following documents:

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) concerning a Submission under 35 U.S.C. 371;	3 pages
Preliminary Amendment	24 pages
Return Postcard	1 sheet

are being deposited with the U.S. Postal Service with sufficient postage paid as Express Mail "Post Office to Addressee" in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dated: 2/22/06

Printed name of person signing certificate:

Signature:

Lynn N. Minton

